

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 91 —Rehabilitation Services for the Blind (RSB)

PROPOSED AMENDMENT

13 CSR 40-91.020 Vocational Rehabilitation for the Blind. The department is amending sections (1)-(5), (8)-(13), (15), (19), adding a new section (20) and renumbering and amending the current section (20).

PURPOSE: This amendment clarifies certain conditions governing the receipt of employment and training assistance, establishes a procedure for evaluating exceptions to the rule, and removes language that is duplicative of federal regulations.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The program of vocational rehabilitation for the blind (VR) is administered pursuant to the Rehabilitation Act of 1973 as amended, [Title] **Chapter** 16 of [Chapter] **Title** 29, *United States Code*, and Chapter 209, RSMo. Federal law requires Rehabilitation Services for the Blind (RSB) to develop policies that govern the administration of the vocational rehabilitation program and allows RSB to develop limitations within which it administers some areas of the program. Therefore, except as otherwise provided and as allowed by federal law, this rule hereby incorporates by reference the provisions and definitions from the *Code of Federal Regulations* (CFR) listed below as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/content/pkg/CFR-2019-title34-vol2/pdf/CFR-2019-title34-vol2-subtitleB-chapIII.pdf>. This rule does not incorporate any subsequent amendments or additions.

- (A) 34 CFR 361.5, July 1, 2019;
- (B) 34 CFR 361.13, July 1, 2019;
- (C) 34 CFR 361.36, July 1, 2019;
- (D) 34 CFR 361.42, July 1, 2019;
- (E) 34 CFR 361.43, July 1, 2019;
- (F) 34 CFR 361.44, July 1, 2019;
- (G) 34 CFR 361.45, July 1, 2019;
- (H) 34 CFR 361.46, July 1, 2019;
- (I) 34 CFR 361.47, July 1, 2019;
- (J) 34 CFR 361.48, July 1, 2019;
- (K) 34 CFR 361.49, July 1, 2019;
- (L) 34 CFR 361.51, July 1, 2019;
- (M) 34 CFR 361.53, July 1, 2019;
- (N) 34 CFR 361.56, July 1, 2019;
- (O) 34 CFR 361.57, July 1, 2019;

- (P) 34 CFR 363.1, July 1, 2019;
- (Q) 34 CFR 397.20; July 1, 2019;
- (R) 34 CFR 397.30, July 1, 2019; and
- (S) 34 CFR 397.40, July 1, 2019.

(2) Definitions.

(I) **“Multilevel marketing” is a business model that involves unsalaried, hierarchical sales teams selling products directly to consumers in conjunction with recruiting additional company sales representatives.**

~~[(I)]~~(J) “Rehabilitation Services for the Blind” or “RSB” is the unit within the Family Support Division that is the “designated state unit” identified in 34 CFR 361.5(c)(13).

(3) Eligibility for Vocational Rehabilitation Services.

(A) Basic Conditions of Eligibility. An individual’s eligibility for vocational rehabilitation for the blind services shall be based only upon the following criteria:

1. The individual meets the eligibility requirements contained within 34 CFR 361.42(a)(1), and the individual *[meets the visual disability requirements of RSB.]***has:**

A. *[Visual disability means that an individual with a]***A** nonprogressive eye disease *[has]***with** a central visual acuity of twenty/two hundred (20/200) or less in the better eye with best correction; or, if the central visual acuity with best correction is more than twenty/two hundred (20/200) in the better eye, there is a visual field defect in which the widest diameter of the visual field subtends an angle distance no greater than twenty degrees (20), or has a visual efficiency that does not exceed twenty percent (20%)*[/];*

B. *[Visual disability means that an individual with a]***A** progressive eye disease *[has]***with** a central visual acuity of twenty/seventy (20/70) or worse in the better eye with best correction, or has a visual efficiency that does not exceed sixty-four percent (64%), or has near vision that is decreased to the extent that the individual cannot read print that is smaller than Jaeger nine (J9) with best correction~~[/];~~ **or**

C. A visual impairment which results in a substantial impediment to employment for the individual because the individual functions at the level of someone who meets the visual disability standards in subparagraphs (3)(A)1.A or B. Such eligibility determination shall be made by the Deputy Director or designee.

[(4) The Case Record. RSB shall maintain for each client or applicant a case record that includes, to the extent pertinent, documentation of the following factors:

(A) The documentation listed within 34 CFR 361.47;

(B) For each client to whom physical and mental restoration services are provided, documentation that supports RSB’s determination that the client’s clinical status is stable or slowly progressive;

(C) The decision to provide post-employment services after the client achieves his/her employment objective, the basis upon which RSB develops the post-employment plan, a description of the services RSB provides, and the outcome of the services;

(D) Documentation of the determination of maintenance; and

(E) The eligible individual’s use of any comparable service or benefit.]

~~[(5)]~~**(4) Comparable Services and Benefits.** RSB shall utilize the requirements of 34 CFR 361.53(a)-(c) when determining whether comparable services and benefits are available under any other program.

(5) Authorization of Services.

(A) RSB shall not pay for any vocational rehabilitation service unless RSB has issued an authorization and dated the authorization for services on/before the initiation of services.

- 1. In cases of emergency medical services, where prior authorization is needed by the provider, but, due to the urgent nature of the emergency, the authorization cannot be issued immediately, the RSB staff may provide their approval.**
- 2. Any request for services after the service start date will require an approval signature by the Deputy Director or designee.**

(B) RSB shall not issue payments to an applicant or eligible individual for goods or services not yet procured, such as a cash advance.

(8) Vocational Rehabilitation Services for the Individual. As appropriate to the vocational rehabilitation needs of each applicant or client, RSB shall make available the vocational rehabilitation services that are listed in this section. To the extent possible, within the limitations that are relevant to this section in federal law, Chapter 34, RSMo, available appropriations, and this rule, the applicant or client may select the vendor(s) to provide each service. RSB shall provide services in the most cost-effective manner in order to prepare the client for securing, retaining, advancing in, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. This rule establishes the procedures for the provision of the following services and the limitations on the provision of certain services:

(B) Vocational Rehabilitation Services that may be available to applicants, as defined under subsection (2)(A/B) of this rule, or clients, as defined under subsection (2)(D/C) of this rule—

1. Assessment - Services provided and activities performed to determine an individual's eligibility for VR services and/or to determine the nature and scope of VR services to be included in the IPE;

2. Diagnosis and Treatment of Impairments – as provided in section (11) of this rule;

3. Vocational Rehabilitation Counseling and Guidance, including personal adjustment counseling, to maintain a counseling relationship with the applicant or client throughout the program of services, to help the applicant or client secure needed services from other agencies, and to advise the applicant or client about the client assistance program;

4. Job Search Assistance - Job search activities that support and assist an individual in searching for an appropriate job. Job search assistance may include help in resume preparation, identifying appropriate job opportunities, developing interview skills, and making contacts with companies on behalf of the *[consumer]* **client**;

5. Job Placement Assistance - A referral to a specific job resulting in an interview, whether or not the individual obtained the job;

6. Short Term Job Supports - Support services provided to an individual who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include short-term job coaching for persons who do not have a supported employment goal consistent with the employment goal on the IPE;

7. Supported Employment Services - On-going support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment for a period of time generally not to exceed twenty-four (24) months. Services, such as

job coaching, are for individuals who have supported employment and long-term supports identified on the IPEs. On-the-job support services with a supported employment goal are funded using Title VI and Title I funds.

8. Information and Referral Services - Services provided as needed to assist the applicant or eligible individual in securing needed goods and services not available through Rehabilitation Services for the Blind from other agencies or programs, including other components of the statewide workforce development system and the Client Assistance Program;

9. Benefits Counseling - Involves an analysis of an individual's current benefits, such as Social Security Disability Income (SSDI) and *[Social]***Supplemental** Security Income (SSI), the individual's financial situation, and the effect different income levels from work will have on the individual's future financial situation. This service is intended to provide the individual an opportunity to make an informed choice regarding the pursuit of employment, but it does not include providing legal advice;

10. Customized Employment Services – The flexible strategies leading to a customized employment outcome; includes job exploration by the individual or working with an employer to facilitate placement;

11. Extended Services – Ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, as outlined in *[part]***section (13)***[(A)3.C.(II)]* of this rule;

12. Graduate College or University Training – as provided in subsection (10)(A) of this rule;

13. Four- (4-) Year College or University Training – as provided in subsection (10)(A) of this rule;

14. Junior or Community College Training – as provided in subsection (10)(A) of this rule;

15. Occupational or Vocational Training – as provided in subsection (10)(A) of this rule;

16. On-the-job Training;

17. Registered Apprenticeship Training;

18. Basic Academic Remedial or Literacy Training;

19. Job Readiness Training;

20. Disability-Related Skills Training;

21. Business Enterprise Program (BEP) Training;

22. Customized Training – Training designed to meet an employer's special requirements where the employer has entered into an agreement to hire individuals trained to meet their specific needs;

23. Miscellaneous Training – Any training not covered in the other training categories in paragraphs *[(9)8](B)12.–[(9)8](B)22.*;

24. Transportation – as provided in subsection (12)(A);

25. Maintenance – as provided in subsection (12)(B), monetary support provided for those expenses such as food, shelter and clothing that are in excess of the normal expenses of the individual, and that are necessitated by the individual's participation in an assessment for determining eligibility and VR needs or while receiving services under an IPE;

26. Rehabilitation Technology – as defined under subsection (2)(A), with guidance as provided in subsection (12)(C) of this rule;

27. Personal Assistance Services;

28. Technical Assistance Services – Services, as provided in subsection (12)(D), provided to eligible individuals who are pursuing a vocational goal of self-employment, telecommuting, or

establishing a small business operation, including the development of business plans, marketing analyses, and resource development;

29. Reader Services – as provided in subsection (12)(F);

30. Interpreter Services – as provided in subsection (12)(G);

31. Services to members of an applicant's or client's family – as provided in subsection (12)(H);

32. Post-employment services – Services necessary to maintain or regain other suitable employment; and

33. Other goods and services not already identified in this rule and pursuant to 34 CFR 361.48(b), subject to the restrictions governing the purchasing of goods in subsection (12)(C) of this rule.

(9) Vocational Planning and the Individualized Plan for Employment.

(A) *[Comprehensive Assessment – For each eligible client, RSB will conduct a comprehensive assessment in order to determine the client's employment goal and the nature and scope of Vocational Rehabilitation services to be included in the IPE.]* **The individualized plan for employment will be developed pursuant to 34 CFR 361.45.**

(B) *[Individualized Plan for Employment (IPE) Development.*

1. *The IPE is a written document which outlines a plan to achieve the client's chosen vocational goal and is developed through an assessment of the client's individual rehabilitation needs consistent with his/her unique strengths, resources, abilities, and interests. The IPE shall contain all elements required by 34 CFR 361.46.*

2. *The IPE should be developed and implemented as soon as feasible after the applicant is determined to be eligible.*

A. *The IPE must be developed no later than ninety (90) days after the date of determination of eligibility, unless the Vocational Rehabilitation Counselor (VRC) and the eligible individual agree in writing to an extension of that deadline. The client shall sign an agreement authorizing the extension.*

3. *In developing the IPE, clients shall have the opportunity to exercise informed choice when selecting—*

A. *The employment outcome/employment setting;*

B. *The specific VR services needed to achieve the employment outcome;*

C. *The entity(ies) that will provide the VR services; and*

D. *The methods available for procuring the services.*

4. *The IPE will be jointly developed, agreed upon, and signed by RSB and the client and/or his/her representative. The client/representative has the right to develop his/her own IPE; however, the vocational goal and services must be mutually agreed upon. If the VRC cannot support the client's informed choice, the client shall be informed of their rights to administrative review, mediation, and/or fair hearing as well as the availability of the Client Assistance Program.*

5. *A copy of the initial IPE, all IPE amendments, and any authorizations for service that are completed in accordance with the IPE, will be provided to the client.*

6. *For students with disabilities, the IPE is developed to be consistent with the student's Individual Education Plan (IEP) or 504 services.*

7. *The IPE shall be reviewed at least annually by the VRC and the client or the client's representative to assess the client's progress towards achieving the identified employment outcome. This review should be documented in the client record.*

(C) *Amended IPE.*

1. The IPE shall be amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with the VRC, if there are substantive changes in—

A. The employment outcome;

B. The vocational rehabilitation services to be provided; or

C. The providers of the vocational rehabilitation services.

2. Amendments to the IPE do not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by the counselor.] **If a client seeks multiple sources of employment, RSB will support the employment goal which will result in providing the individual's greatest source of earned income.**

(10) Training Costs. RSB provides training to an eligible client when the client needs training in order to achieve a vocational goal that is recorded in the client's IPE. Training includes the areas of personal and vocational adjustment, academic training, and vocational training.

(A) Tuition, Fees, Books, and Supplies that the client incurs, that are necessary to participate in the training program. RSB applies the following limitations to payment of tuition, fees, books, and supplies:

1. RSB may pay tuition and fees at state or other public colleges and universities in Missouri, vocational schools, or rehabilitation facilities at current verified rates;

2. RSB may pay tuition and fees at private college or universities in Missouri and at colleges or universities outside Missouri up to but not to exceed the in-state resident rate for *[on-campus]* courses at the University of Missouri-Columbia (MU) for students at a comparable academic level. **If there is no comparable rate available at the University of Missouri-Columbia, the lowest cost of the rates within the University of Missouri System shall be used. If there is no comparable rate available within the University of Missouri System, the lowest cost rate at a public college within Missouri shall be used.** If a deaf-blind client attends Gallaudet University, RSB may pay the full cost of tuition and fees at Gallaudet University;

3. RSB limits payment of tuition, fees, books, and supplies for academic and vocational training to a client's completion of the academic or training curriculum that the client needs in order to obtain *[entry-level]* employment in the occupational area that the client selects, as recorded in the client's IPE;

4. Comparable Services and benefits must also be considered and applied **for** appropriately~~], as provided in section (6) of this rule~~]. For postsecondary educational programming, this means the student is required to apply for the Pell Grant and each year provide the counselor with a copy of ~~[the]their [Student Aid Report]~~**Free Application for Federal Student Aid (FAFSA) Submission Summary**. RSB sponsorship may not be provided to students who do not apply for the Pell Grant and/or **do not** supply RSB the ~~[Student Aid Report]~~**FAFSA Submission Summary**;

5. **RSB may pay tuition and fees at private colleges or universities in Missouri and at colleges or universities outside of Missouri at a rate higher than that established by paragraph (10)(A)2 if there are no public institutions in Missouri offering comparable degrees and/or outcomes and such degree/outcome is necessary for the client to achieve a vocational goal that is recorded in the client's IPE. The granting of such requests requires approval by the Deputy Director or designee.**

[5] 6. After the client's first term, prior to authorization of funds for subsequent terms, the student shall provide RSB with grade reports;

[6] 7. The student is to register and complete a full course load each term. Full course loads are defined by the institution and/or training program. Payment of any fees for dropping courses shall be the student's responsibility. RSB may recoup the funds that RSB paid for a course that the

student drops. RSB shall not pay for the same course twice. RSB may approve less than a full course load[, *with justification provided by the student*] **if the student can demonstrate that a less than full course load is necessary for the successful continuation of the student's education that is required to achieve a vocational goal recorded in the student's IPE.** The student shall bear the burden of proof of justifying approval of a less than full course load. **The granting of requests for part-time course loads require approval by the Deputy Director or designee;**

[7/8. The student is to maintain acceptable academic standing of at least a 2.0 GPA each term, or will meet the requirements of the particular training program in which the student is participating in cases where the standard is higher or the standard GPA is not used; and

[8/9. If the student fails to maintain the standards in paragraphs (10)(A)/6.-/7-8., the student is required to meet with RSB staff to determine if RSB sponsorship will continue into the next term. If the student subsequently fails to meet the standards in paragraphs (10)(A)/6.-/7-8., RSB sponsorship will be withdrawn until the client meets those standards for one (1) term.

(11) Physical and Mental Restoration.

(C) Payment for Physical or Mental Restoration. All comparable services and benefits that are available from any source to meet, in whole or in part, the cost of a client's physical or mental restoration shall be utilized, unless to utilize these services or benefits would delay the provision of vocational rehabilitation services to any client who is at extreme medical risk as defined in subsection (2)(A). A determination of extreme medical risk shall be based upon medical evidence provided by a qualified licensed medical professional. Comparable benefits and services shall include, but not be limited to, Title XVIII (Medicare), Title XIX (Medicaid), public or private health insurance, Veterans Administration medical benefits, and Worker's Compensation.

1. RSB may pay for other medical services, including hospital facility fees, physician services, laboratory and X-ray fees, **anesthesia services**, and hospital outpatient care, at a rate that is determined by the Department of Social Services to be reasonable, not to exceed [*Missouri Title XIX*] rates **established by the Centers for Medicare and Medicaid Services' Physician Fee Schedule.**

2. RSB may pay for medical services received outside Missouri at the rates paid by the vocational rehabilitation agency in that state, unless the provider participates in the Missouri Title XIX program, in which case RSB limits payment to Missouri Title XIX rates.

3. Selection of provider. To the extent possible, RSB shall purchase physical and mental restoration services (including medically necessary dental services) for clients who are eligible for Title XIX benefits from Title XIX providers who are located in Missouri.

4. Dental Fee Schedule. Authorized dental services shall be paid at the fiftieth (50th) percentile of the national rate as set forth in a national publication analyzing dental fees current as of the date of the provision of services.

(12) Support Services. RSB may pay the reasonable cost of necessary support services to or on behalf of an applicant or client undergoing assessment(s) to determine eligibility and the nature and scope of services. Additionally, pursuant to the individual's rehabilitation plan, RSB may pay the cost of support services to or on behalf of a client in order for the client to benefit from physical or mental restoration, academic, vocational, and other training, or job-related services (such as job search, job placement, and job retention). Comparable services and benefits must be considered and applied appropriately, as outlined within section (5) of this rule. Support services are the following:

(A) Transportation. RSB shall pay the cost of the most economical source of transportation that meets the applicant or client's rehabilitation service needs. RSB pays the cost of mileage traveled

by private automobile at the rate per mile currently allowed state employees by the Department of Social Services; bus fare and train fare at actual charges; and cab fare, only when other methods of transportation are not available, at actual charges. When a client must travel by plane, air travel shall not exceed the cost of coach fare for the most direct available route.

1. Physical or mental restoration. RSB may pay the reasonable and necessary costs of transportation that a client needs in order to obtain physical or mental restoration that is prescribed by a provider who meets the standards in subsection (17)(D).

2. Personal and vocational adjustment training. RSB may pay the reasonable and necessary costs of transportation that a client needs in order to participate in personal and vocational adjustment evaluation or training at a rehabilitation facility that meets the standards in subsections (17)(A) and (B).

A. When a client stays in rehabilitation facility residential quarters, RSB shall limit payment to the necessary trips the client makes between the client's home and the rehabilitation facility during the time the client is in evaluation or training activities at the facility. The decision regarding the number of trips that are necessary is made by RSB, the rehabilitation facility and the client.

B. When a client lives at home and commutes, the total monthly payment for transportation shall not exceed the reasonable and necessary cost of room and board that is available at or in conjunction with the rehabilitation facility, as described in subparagraph (12)(B)/3/4.C.

3. Academic training and vocational training. RSB may pay costs of reasonable and necessary transportation that a client needs in order to participate in academic training or vocational training.

A. If a client lives at home and commutes to [a public college or university in Missouri that has available dormitories]**campus**, the total monthly payment for transportation [and meals]**to and from campus** shall not exceed the lowest cost of double occupancy dormitory charges **with maximum meal plan** at the [college or university the client attends]**University of Missouri-Columbia**, as described in subparagraph (12)(B)/3/4.A.

B. If a client [attends a private college or university in Missouri or a college or university outside of Missouri that has available dormitories]**commutes to campus and RSB is providing maintenance in support of their academic or vocational training**, the total monthly payment for transportation [and meals]**to and from campus and maintenance combined** shall not exceed the lowest cost of double occupancy dormitory charges **with maximum meal plan** at the University of Missouri-Columbia, as described in subparagraph (12)(B)/3/4.A.

4. Job-related services. RSB may pay reasonable and necessary costs of transportation that a client needs in order to participate in job-related services, including to seek employment.

5. Relocation expenses. RSB may pay the reasonable and necessary costs of transportation that a client needs in order to relocate after obtaining employment. Payment of these transportation expenses is limited to payment of moving expenses from the client's home locale to the location of the client's employment;

(B) Maintenance, as defined by subsection (2)(H) of this rule, is not based on an individual's economic or financial situation.

1. The amount of maintenance shall be based on the individual's specific circumstances.

2. Lodging and meals not covered under a contract or otherwise limited by this rule will be paid at the maximum state rate, per the department's travel policy utilized for Missouri state employees.

3. For other subsistence items that are additional expenses in excess of normal living expenses necessitated by participation in an assessment or IPE, the maximum total for all items combined shall not exceed one hundred twenty dollars (\$120.00) per month.

4. Maintenance to support academic and vocational training received on campus.

A. For in-state public institutions, the maximum payment shall not exceed the lowest cost of a double occupancy dormitory charge with maximum meal plan at the state university's lowest rate.

B. For private and out-of-state institutions, and in-state public institutions that have no dormitories, the maximum payment shall not exceed the lowest cost of double occupancy dormitory charge with maximum meal plan at the University of Missouri – Columbia (MU) unless **the Deputy Director or designee determines** a comparable academic or vocational program is not offered at in-state public institutions, in which case RSB's payment shall be reasonable (i.e. the least expensive goods and services to meet the recipient's needs) and shall not exceed actual costs.

C. For Personal and Vocational Adjustment to Blindness (PVA) training at a contracted Community Rehabilitation Program (CRP), maintenance will be paid at the contract rate. Those maintenance costs not covered by a PVA contract will be paid in accordance with paragraphs (12)(B)1. and (12)(B)2. above.

D. Maintenance for academic or vocational training is contingent on maintaining acceptable academic standing, as provided in paragraphs (10)(A)/6.-/7-8. of this rule, and maintaining full-time status as dictated by the institution.

E. RSB may pay continuous maintenance during school breaks to an eligible individual if the eligible individual is attending consecutive semesters and the term between semesters is less than six (6) weeks.

5. Maintenance to support job-related services.

A. RSB may pay maintenance in support of reasonable and necessary job-related services (such as job search) in accordance with paragraphs (12)(B)1. and (12)(B)2.

B. RSB may pay the necessary costs of establishing a new living arrangement in order for an eligible individual to accept employment. Payment for housing will be limited to expenses actually incurred for no more than two (2) weeks prior to the start date of the employment, and may continue until the eligible individual has been employed for one (1) full calendar month, or one thousand three hundred dollars (\$1,300.00) total for the same time period, whichever is less;

(C) Assistive Technology Devices, Other Equipment, Tools, and Supplies. RSB may pay for reasonable and necessary Assistive Technology Devices as well as other reasonable and necessary equipment, tools, and supplies that the eligible individual needs to participate in academic, vocational or other training, and to perform required job duties following employment. **RSB may recover equipment at any time prior to case closure when the purpose for its issuance no longer exists and/or when it is no longer needed to achieve the client's vocational goal;**

(D) Start-up costs for small businesses. RSB may pay no more than seventy-five percent (75%) **or a total of seventeen thousand five hundred dollars (\$17,500.00), whichever is less,** of a client's start-up costs for establishing a small business. *[When RSB's payment reaches seventeen thousand five hundred dollars (\$17,500.00), requests for payment of additional start-up costs must be reviewed and approved by the deputy director or designee. Requests for payment of additional start-up costs beyond one (1) year after the initial payment, must be reviewed and approved by the deputy director or designee]* **Payments for start-up costs shall be made only for six (6) months, starting from the date of the initial payment.** Start-up costs for establishing a small business include, but are not limited to, rent, utilities, and supplies. **RSB cannot provide start-up support for a multilevel marketing business, a business prohibited by law, or a business that sells products prohibited by law.** This *[rule]* subsection does not apply to start-up costs for vending facilities that RSB supervises according to 13 CSR 40-91.010. **SSI/SSDI beneficiaries are not required to participate in the cost to fund start-up businesses, but the seventeen thousand five hundred dollar (\$17,500.00) limit, the six- (6-) month limitation, and the prohibition on a**

multilevel marketing business, a business prohibited by law, or a business that sells products prohibited by law do apply to them.

(E) Home Modification. Home modification is an allowable expense under the following circumstances:

1. It is essential in order for the eligible individual to achieve an established vocational goal;
2. The eligible individual is in an active status *[(6 or higher)]* (Note: This service cannot be provided *[in Status 10 or 24]* **prior to development of an IPE or if the case record indicates the client's plan has been interrupted**);
3. The home being modified is owned or being purchased by the eligible individual or the eligible individual's immediate family and is the eligible individual's place of residence;
4. If the eligible individual resides in rental property, the only modification allowed will be ramping or a lift; and
5. When a ramp or lift is being provided for rental property, there must be written permission from the landlord in the case file prior to the service being authorized;

(13) Supported Employment. RSB shall provide vocational rehabilitation services that will lead to supported employment for individuals with the most significant disabilities who are eligible for these services, pursuant to 34 CFR 363.1.

(A) **RSB provides** */S/*supported employment to youth with the most significant disabilities, as defined in subsection (2)(A) of this rule.

(B) The approval of the Deputy Director or designee is required for job supports (i.e. job coaching) services exceeding nine hundred sixty (960) hours or lasting beyond nine (9) months, whichever occurs first. RSB will only approve this service if the client establishes that the client will lose their employment without ongoing job supports.

(C) RSB may provide the following services only to youth with the most significant disabilities seeking a Supported Employment Outcome in competitive-integrated employment~~/.~~:

1. Extended Services. Funds may be used to provide extended services only to youth with the most significant disabilities.

A. Extended services shall not exceed four (4) years or until such time that a client no longer meets the definition of a youth with a disability under 34 CFR 361.5(c)(58), whichever occurs first.

(15) Extended Employment. Vocational goals for working in extended employment do not meet the requirement for competitive-integrated employment outcomes and thus cannot be supported under the vocational rehabilitation program. The individual seeking extended employment must first obtain documentation that activities as provided in 34 CFR 397.20, 34 CFR 397.30, 34 CFR 397.40, and this section were completed prior to entering extended employment.

(A) RSB shall inform the applicant or eligible individual *[shall be informed]* that Vocational Rehabilitation Services are available should the individual wish to pursue competitive-integrated employment.

(B) If the individual, exercising their informed choice, persists in pursuing securing extended employment, RSB and the individual shall follow requirements set forth in 34 CFR 397.20, 34 CFR 397.30, and 34 CFR 397.40 to secure documentation necessary for the individual to enter extended employment, and to ensure the client is offered the required services of these sections at the necessary intervals for the duration of their employment at subminimum wage.

(C) Students with a disability seeking subminimum wage employment.

1. Upon being notified that a student with a disability is seeking subminimum wage employment, the following must take place:

A. RSB shall explain to the student that RSB cannot provide vocational rehabilitation services to obtain subminimum wage employment;

B. RSB shall explain to the student that Vocational Rehabilitative services are intended to achieve an employment outcome in a competitive-integrated employment setting;

C. RSB shall explain that Vocational Rehabilitation Services are available, should the applicant wish to pursue competitive-integrated employment; and

D. RSB shall provide information regarding Pre-Employment Transition Services (PETS).

(19) Order of Selection. If RSB is unable to provide vocational rehabilitation services to all eligible individuals who apply for services, RSB will implement an order of selection pursuant to 34 CFR 361.36 to ensure that those individuals with the most severe disabilities are provided services.

(E) Eligible individuals will be served under the categories of priority defined in paragraphs (/20/19)(E)1.-3. In accordance with these categories, individuals with the most significant disabilities (Priority I) will be selected first for the provision of vocational rehabilitation services. In the event that all Priority I individuals can be served with available resources, Priority II and then Priority III cases (in that order) will be opened for provision of vocational rehabilitation services.

1. Priority III: Individual with a disability, as defined in subsection (2)(A) of this rule.

2. Priority II: Individual with a significant disability, as defined in subsection (2)(A) of this rule.

3. Priority I: Individual with a most significant disability, as defined in subsection (2)(/I/G) of this rule.

(20) Exceptions to rule. Except as otherwise provided in this regulation, any other exceptions to the limitations on services defined by this rule must be approved by an administrative review team designated by the Deputy Director to determine rule exceptions. Exceptions to this rule shall not be in conflict with the provisions of the Vocational Rehabilitation program as set forth in state and federal law.

(21) Review Procedures. Pursuant to 34 CFR 361.57, an applicant for or recipient of services through RSB's vocational rehabilitation program has the right to obtain the review of any determination regarding the furnishing or denial of services. *[The review process may consist of up to three (3) stages]***One (1) or more of the options for review set forth in this section can be used, [in]which [the procedures]provide the individual and RSB the opportunity to submit additional evidence and information.**

(A) Administrative Review. An administrative review is an informal process for resolving a request for review without mediation or a due process hearing.

1. The applicant or eligible individual or, as appropriate, the individual's guardian or representative, may request an Administrative Review by submitting a written request to the Deputy Director or designee.

2. The Deputy Director or designee will conduct an informal review within thirty (30) days from receipt of the request unless both parties agree to an extension of time.

3. The applicant or eligible individual or, as appropriate, the individual's guardian or representative, will be informed of the results of their informal review in writing and the right to a due process hearing or mediation.

(B) Due Process Hearing. An applicant or eligible individual may request a due process hearing with or without an administrative review.

1. The applicant or eligible individual must request a due process hearing in writing submitted to the Deputy Director or designee.

2. The hearing officer shall be selected from a list of qualified impartial hearing officers maintained by Rehabilitation Services for the Blind. Selection of hearing officer is by agreement between Deputy Director or designee and the applicant or eligible individual or, as appropriate, the individual's guardian or other representative. If the Deputy Director or designee and the applicant or eligible individual or *[his or her]***that person's** guardian or representative cannot agree on the choice of a hearing officer, RSB shall select at random a hearing officer from the aforementioned list of qualified impartial hearing officers.

3. The fair hearing shall be held within sixty (60) calendar days from the date RSB receives the eligible individual's request for review of a decision, unless informal resolution or a mediation agreement is achieved prior to the sixtieth day or the parties agree to a specific extension of time.

4. The fair hearing shall be held during normal working hours, at the RSB district office where the eligible individual's case record is located.

5. The applicant or eligible individual or, as appropriate, the individual's guardian or representative, shall be given the opportunity to present and examine witnesses, additional evidence, and relevant sources of information during the due process hearing or if the hearing officer holds the record open to admit additional evidence.

6. The hearing officer will make a determination based on the facts and applicable law. The hearing officer shall render a decision in writing. The decision must specify the findings of fact, conclusions of law, and decision of the hearing officer. The hearing decision must be based solely on the facts adduced to the hearing officer at the hearing. The written decision will be served on the Deputy Director and the individual or applicant, or *[their]***that person's** representative.

7. Within twenty (20) calendar days of the date of the hearing officer's written decision, either party may request in writing a review of the written decision by the Director of Family Support Division, or his/her designee. The Director of Family Support Division may not delegate the responsibility for reviewing the written decision of the hearing officer to any Family Support Division staff.

8. The Director of Family Support Division or designee shall provide the opportunity for submission of additional evidence and information relevant to a final decision concerning the matter under review.

9. The Director of Family Support Division or designee may overturn or modify the hearing officer's decision, or part of the decision supporting the position of the applicant or eligible individual, if it is determined, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the federal act and/or regulations, or appropriate state law and/or regulations.

10. The Director of Family Support Division or designee shall provide an independent, final decision in writing, including the statutory and regulatory findings for the decision, to the applicant or eligible individual or, as appropriate, the individual's representative and to Rehabilitation Services for the Blind within thirty (30) days of the request for the administrative review.

(C) Mediation. Applicants and eligible individuals shall have the right to pursue mediation with respect to disputes involving any determinations that affect the provision of vocational rehabilitation services.

1. Mediation shall be voluntary on the part of the individual and RSB; not be used to deny or delay the rights of an individual to a due process hearing or deny any other rights; and be conducted

by a qualified and impartial mediator who is selected from a list of qualified and impartial mediators maintained by RSB.

2. RSB shall bear the reasonable costs of the mediation process.

3. An applicant or eligible individual may request mediation by writing the Deputy Director of RSB and stating the issue(s) to be mediated. If mediation is agreed upon by both RSB and the applicant or eligible individual, a qualified mediator will then be selected by the individual. The mediator will be informed of the request and will assist parties in selecting a mutually agreeable time and place.

4. An applicant or eligible individual may be represented in the mediation session by an authorized representative or licensed attorney, at the individual's expense.

5. The mediation will be held within sixty (60) days unless both parties agree to an extension. Mediation sessions are held at a time and location mutually agreed upon by both parties.

6. An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement, and provided to the applicant or eligible individual, or if appropriate, the individual's guardian or representative, and the Deputy Director of RSB within thirty (30) days of completion of the mediation session.

7. Discussions that occur during the mediation process shall be confidential and not used as evidence in any subsequent due process hearing or civil proceeding. Both parties may be required to sign a confidentiality pledge prior to the commencement of such process.

8. Nothing in this section shall be construed to preclude the parties to such a dispute from informally resolving the dispute prior to mediation proceedings. Mediation will not be used to deny or delay an individual's due process hearing.

*AUTHORITY: sections 207.022, 209.010, and 660.017, RSMo [2016] **2025**. * Original rule filed Aug. 11, 1978, effective Nov. 11, 1978. Amended: Filed Nov. 5, 1979, effective Feb. 11, 1980. Amended: Filed Dec. 10, 1980, effective March 12, 1981. Emergency amendment filed Feb. 23, 1982, effective March 8, 1982, expired June 10, 1982. Amended: Filed Feb. 23, 1982, effective June 11, 1982. Emergency amendment filed July 13, 1982, effective Aug. 1, 1982, expired Oct. 10, 1982. Amended: Filed July 13, 1982, effective Oct. 11, 1982. Emergency amendment filed Jan. 15, 1985, effective Feb. 1, 1985, expired May 14, 1985. Amended: Filed Jan. 15, 1985, effective April 11, 1985. Emergency amendment filed Jan. 15, 1986, effective Jan. 25, 1986, expired May 15, 1986. Amended: Filed Jan. 15, 1986, effective June 12, 1986. Emergency rescission and emergency rule filed Jan. 21, 1987, effective Jan. 31, 1987, expired May 21, 1987. Rescinded and readopted: Filed Jan. 21, 1987, effective May 11, 1987. Emergency amendment filed July 8, 1987, effective July 18, 1987, expired Nov. 15, 1987. Amended: Filed July 8, 1987, effective Oct. 11, 1987. Amended: Filed Nov. 4, 1988, effective Jan. 27, 1989. Amended: Filed April 3, 1989, effective July 1, 1989. Rescinded and readopted: Filed June 6, 1991, effective Oct. 31, 1991. Emergency amendment filed Oct. 18, 1991, effective Oct. 31, 1991, expired Feb. 27, 1992. Amended: Filed Sept. 13, 1994, effective March 30, 1995. Amended: Filed Jan. 27, 2021, effective July 30, 2021.*

**Original authority: 207.022, RSMo 2014; 209.010, RSMo 1939, amended 2014; and 660.017, RSMo 1993, amended 1995. Amendment Filed: October 8, 2025.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, P.O. Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.